

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHENIA DANCY-STEWART,)
Plaintiff,)
)
v.)
)
THOMAS TAYLOR, Jr., ET AL.,)
Defendants.)

C.A. No. 05-11803-MLW

ORDER

WOLF, D.J.

May 14, 2008

For the reasons stated in court on May 14, 2008, it is hereby
ORDERED that:

1. The defendants' Emergency Motion to Compel regarding Nonparty Witness Maria DaRosa (Docket No. 117) is DENIED on the grounds that the defendants failed to serve, prior to the May 14, 2008 hearing on the motion, either Ms. DaRosa or her counsel, Eduardo Masferrer, with a copy of the court's May 6, 2008 Order requiring a response to the motion and requiring Ms. DaRosa to appear at the May 14, 2008 hearing. The motion is denied without prejudice to renewal if the case proceeds to trial.

2. The defendants may request reconsideration of the denial of the Motion to Compel by filing, by May 15, 2008, a motion to reconsider along with an affidavit and any supporting documents that demonstrate that Ms. DaRosa or her counsel was served with a copy of the court's May 6, 2008 Order prior to the May 14, 2008 hearing.

3. Because nonparty witness Carlos Fernandes appeared for a deposition on May 13, 2008 and appeared at the May 14, 2008

hearing, the civil contempt proceeding against him for failing to appear at the April 16, 2008 hearing in this matter is terminated.

4. The court reserves ruling on whether Mr. Fernandes was in criminal contempt of the court's April 7, 2008 Order when he failed to appear for the April 16, 2008 hearing.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE